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CODE RURAL

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CONSEILS COMMUNAUX

RURAL CODE

OF

HAITI

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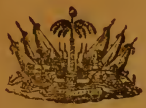

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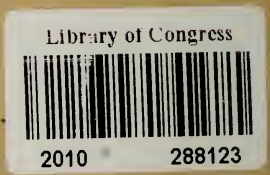

RURAL CODE OF HAITI

CHAPTER I.

General dispositions

ART, I.

The territory of the Republic, throughout its entire extent is free, as well as every inhabitant of it ; thus no territorial property is subject, either private or public property, to taxes or rents, except those established by conventions or law.

ART. 2.

The use and possession of rural estates, but not ownership, will continue to be governed by the dispositions of the Rural Code.

ART. 3

The owner of a swarm of bees has the right to recover and capture it, provided he has not given up pursuit, otherwise, the swarm belongs to the proprietor, upon whose property the swarm has settled.

ART 4

No sea board proprietor can own boats or lighters, for the transportation of his merchandise to the city or town, without a license, which will be given to him free by the justice of the peace ; under no pretext can these boats be used for coast wise trade to other ports or neighboring islands, nor for fishing purposes except for the use of the plantation.

ART. 5 —

No stores, wholesale or retail, will be established, and no commerce in the country engaged in, in the rural districts, under any pretext, wi thout

conforming to the rul s which will be established to this effect.

Art. 6.

All Peddlers of cities or towns, properly licensed, may sell foreign provisions and merchandise in the rural districts, by conforming to the regulations.

Art. 7. —

Felling trees, clearings not authorized by a proprietor on his lands, or by the State on its domains, will immediately lead to the arrest of the offender, by the chief of the rural section, who will take him before the justice of the peace of the commune, together with the facts established by an investigation of the illegal act. (Art 365 Penal Code,)

Art, 8.

Un-authorized mining, removing stones or minerals from state or private lands, will be punished by a fine.

CHAPTER II.

General rules relative to the administration of rural estates and establishments.

Section I.

Limits of landmarks, enclosures and establishments.

Art. 9.

Every proprietor should induce his neighbor to put up landmarks on his adjoining properties, sharing expenses

Art. 10

The individual limits of neighboring properties will be marked with permanent landmarks of iron, masonry or non-perishable wood, erected at common expense.

Art. 11.

The right to enclose rural lands, results essentially to those of proper-

ty rights and cannot be contested by any proprietor.

Art. 12.

A rural property will be considered enclosed when it is entirely surrounded by a masonry wall, palisades, lattice, a living hedge, a dead hedge of twisted poles, or in any other manner of making enclosures in use in each locality, or finally, by a ditch at least six feet wide and four feet deep, the embankment on the side of the enclosed property.

Art. 13

An estabtishment will be considered to exist when a rural plantation has upon it a house, a cabin or a garden being worked under existing rules,

Section 2.

Obligations placed on proprietors, squatters, users, other holders, and on the managers of rural properties.

ART 14

It is expressly forbidden to fell trees on mountains within one hundred paces of their crests or at the head of, or around springs, or rivers, should plant about these springs and on the banks of these rivers, the bamboo and other trees proper to revet the ground and hold the moistu e, under penalty of a fine of one hundred gourdes.

ART 15.

A proprietor wishing to burn a young woods, a field of old cane, a «savanne» or other kind of ground will notify all the bordering neighbors twenty four hours in advance

ART. 16.

It is forbidden to light a fire in the «savanne,» the fields or gardens of plantations, without the express auth rity of the proprietors or their representatives. (Note : Penal Code 356 awards death penalty to incendiaries.)

Art. 17.

Dams, reservoirs and canals, whether they serve to irrigate properties, or are used by the inhabitants, or for any other purpose, either town or public, will be maintained by all the bordering proprietors or others interested, and will be responsible, in proportion to the amount of water used, for the works of construction and repair judged necessary by the authorities, as well as for the payment of expenses of surveillance by watchmen or by «syndics » under penalty of a fine without interfering with the taxes.

Art. 18.

No one can deflect the natural or established course of waters, nor use a portion of the water being used by another person. without his express consent, under penalty of a fine of two hundred gourdes and imprisonment of not less than eight days against the holder of the property through which the waters runs, in addition to the damages for the harm done.

Art. 19.

No one is allowed to leave a wagon, cart or any other obstruction likely to block traffic. on public or private. nor to divert and drain the water roads, from the side ditches, by any means, under penalty of a fine and reparation for the damage caused by accidents or harm brought about by disobedience of this article

Section 3.

On cultivation in general.

Art. 20.

Proprietors are at liberty to vary the cultivation and farming on their lands, at will, and are at liberty to place all kinds of produce on their properties, in the Republic, provided they do not harm the rights of others and conform to the law.

Art. 21.

Improvement to trees, produce and grains subject to improvement, is

known as farming. Lands and plantations affected by farming are not subject to taxes, except on the total produce taken in.

ART. 22.

Secondary cultivation consists in the cultivation of truck, flowers, fruit trees, provisions and forage. Lands and plantations of secondary cultivation are subject to territorial and land taxes.

ART, 23.

On each rural establishment, other than country or private dwellings, enough provisions will by kept on hand and cultivated, as food for the employees and animals needed for the work on the plantation

ART. 24

Proprietors, farmers managers and even the farm-hands under their orders will be held strictly responsible for keeping up plantations producing any kind of produce.

ART. 25.

All goods for export, before being put up in sacks, bales barrels or bundles. will be carefully cleaned and put in an honest and salable state, under penalty of a fine and at the same time confiscation of the goods, in case of fraud.

ART. 26.

In order to insure the carrying out of the foregoing article the President of Haiti will issue an order in the form of a general regulation, setting forth the method of verifying the goods establishing their quality, packing and shipping.

CHAPTER III

Leasing rural estates, and contracts beteen the proprietors and independent farmers, farmers giving the landlord a portion of the produce in place of money rent, farmhands, or laborers.

ART. 27.

The duration of and the clauses in the leases of rural estates, the dura-

tion and kinds of work on the said estates are purely conventional ; in the absence of special agreement, the duration of and the clauses in the lease, conditions governing the rents and work in rural districts, are regulated by the terms of the Civil Code, by those of the present law, and by local customs.

ART. 28.

When obstacles or quarrels arise between proprietors and farmers, managers or contractors, the local police officer, after receiving the complaint and calling in and hearing the two sides, will endeavor to reconcile the two parties, within twenty four hours.

ART. 29.

If one the two parties does not wish to take the advice of the rural police officer, he may take his quarrel before the justice of the peace of the commune, who, within a like delay of twenty four hours, will definately decide, without appeal, both parties being

duly summoned, if the decision of the judge is susceptible to appeal.

CHAPTRE IV

SECTION 1

Guarding and capture of animals and damages committed on rural estates.

ART. 30.

Every proprietor or farmer on a rural estate is at liberty to have on his place, sufficient kinds and quantities of animals believed necessary for the cultivation and farming of his lands ; he will be responsible for their pasturage, their food, in sufficient quantities, procured at his own expense, and the guarding of them loose, tethered or in an enclosure, except as here-in-after set forth for the establishment and management of grazing ranges.

Art. 31

It is expressly forbidden to mutilate, cripple, or kill horses, mules, asses or other beasts of burden, found in gardens or cultivated fields into which they may have jumped, forced, or broken the fences or enclosures Nevertheless pigs and kids, which are found in gardens or cultivated fields, may be slaughtered ; in that case, the three feet and the head of the animal only, may be retained.

Art 32.

Within twenty four hours after the capture of the animals indicated in the preceding article, the proprietors, farmers, or managers of the estate upon which the said animals were captured, will notify the rural police officer of the section, who will, without delay, go to the said estate, take charge of the said animals, and make an estimate of the damages commited ; and above all he will make an investigation on the spot.

In cases where the animals committing the damages, could not be captured. the rural police officer, on the information given him by the proprietor of the devastated estate, will inspectthe said estate, and will determine and put a value on the extent of the damages commited ; he will also gather and put in his official report, the testimony ofthe witnesses, leading to the indentification of the animals and their owners.

Art 33.

Immediately after this investigation, or not later than the twenty four hours following, the rural police officer of the section will send his official report of the capture and investigation, together with the captured animals, to the justice of the peace of the commune, who will order the animal placed in the communal pound. without delay.

Art 34.

The justice of the peace will annouce, within three days, the fine incurred

and the damages awarded for the destruction commited.

The fine and damages will be paid by the owner of the captured animal, without appeal against the keeper, should appeal exist.

Art 35.

In no case and under no circumstances will proprietors, farmers. managers, or other persons, who have captured animals. in cases covered by the present law, use them for any service during the time the animals are in their possession.

Art 36.

The justice of the the peace will allow the chief of section, a sum of ten gourdes for each animal captured and sent to the pound, to cover expenses of bringing it in and the investigation concerning its capture.

These expenses will be charged against the owner of the captured animal.

Section 2.

Establishment and administration of grazing ranges.

Art 37.

Grazing ranges intended for raising and nourishing an mals, in herds, can only be established in places properly distant from farms in operation, and, in virtue of and authority proviously vested in the Secretary of the Interior and Agriculture. he can, in every case, refuse or not allow it, in conformity with certain conditions in the interests of agriculture Authority will not be given, except after and investigation made by the commandant of the arrondissement to which all the proprietors, inhabitants or other interested persons neighboring the place selected tor the establishment of the range, are summoned, and, upon the resulting report of the commandant of the arrondisement.

ART 38.

To establish a rang for cattle one must be the proprietor of at least fifty "carreaux" of land, with sufficient pasturage ; and to establish a range for swine, one must be the proprietor of at least "twenty five carreaux" of land.

ART 39.

The number of guards for each range will be fixed by the authority written below ; the proprietor will be liable fo a fine, in case of infractions

In accordance with the wording of these articles (47-8-9), in order to establish a range, the following is necessary :

1st.—To first obtain the authority of the Secretary.

2nd — To be the proprietor of real estate.

3rd.— To have a certain number of guards.

XXX the number of guards will be fixed by the Secretary-Art 34 xxx.

Art 40.

Any proprietor or range guard, finding an animal belonging to another, in his herds. will hold it while notice is given to the neighboring proprietors of ranges ; and if the animal is not claimed within twenty four hours the rural police officer of the section will be notified.

Art 41.

One month after this notification if the strange animal is still unclaimed. the rural police officer will effect its capture, and proceed as laid down in the law for strayed animals

(Note : The delay of one month is given by the lavv, to allovv the police to make inquiries as to ovvnership. If claimed vvithin this month it is understood, that a just indemnity vvill be paid, if not claimed, the procedure prescribed in the lavv relating to strayed animals, and that set forth in article 32, paragraph 2, and article 33, vvill be followed.)

Art. 42.

Any animal known to be affected by a contagious or opizootic disease, will

be immediately separated from the herd and put in isolation, away from any communication with the other animals, for treatment, until cured or dead.

Art 43.

Any animal dying on a range through a contagious or eptzootic disease, will be immediately burned, or buried not less than three feet deep, in and isolated spot.

Art 44.

It is forbidden, under penalty of a fine, to burn the « savanne » of a range without having previouslz obtained the written permission of the rural police officer.

(Note : The permission is asked of the police in order to give them a chance to be present to observe the precautions taken It is different from article 15, which requires notification to the owners only.)

Art 45.

Every hired herder or range guard is required to notify the rural police officer of the section, within twenty four hours of the death of any animal of the herd, and whether this death happened through an ordinary, or contagious disease, or through an accident. That portion of the hide bearing the brand of mark will be kept, to be shown to the owner ; neglect in carrying out these instructions will place the herder or range guard liable to a suit for damages.

Art 46.

Animals on ranges, as well as those used for work on rural estates, will be branded after the established custom; this mark will be proof of ownership until the contrary is proved.

Art 47.

In localities neighboring on authorized ranges, the proprietor of a cultivated piece of land, less than two kilometres distant from the said ranges,

can not demand indemnities for injuries or damages caused by animals from the ranges, even if the enclosures of his farm are intact at the time. But the proprietor of a cultivated piece of land, more than four kilometres from the ranges, will have the right to be reimbursed for such damages caused by animals found on his property, even if he has no enclosure about his farm, at the time.

(Note : This article attempts to deal equally with the raising of cattle and agriculture, hence, 2 kilometres from the ranges, and 2 kilometres from the farms, forms, a neutral land of 4 kilometres, inside of which the farmers suffer and oustide of which the cattle owners suffer.)

Art 48

Never-the-less, all cultivated property. which abutts on a high-road or public road, should be enclosed, otherwise the proprietor will not have the right to any indemnity for damages commited by animals that have gone astray.

Section 3.

Taking animals from one commune into anoter.

Art 49.

Whoever wishes to drive one or more animals from one commune to another, must obtain a permit setting forth the kind and quantity, the brand or marks of the animals he is taking the place of departure and the destination,

(Note: This is to stop cattle stealing.)

Art 50

This permit will be recorded in a register. kept for this purpose, by the chief of section at the point of departure, and willbe given freets, him, on a piece of stamped paper ; in addition, it will be vised be the other communes through which the animals pass.

(Note : The register is kept to establish identity later. The pass is given to insure freedom of travel.)

Art 51

Persons leading animals, who may meet rural police officers or agents, will stand ready on all occasions, to show their permits In the absence of the permit, or in case the number or descriptions of the animals are not in accordance with the terms of the permit, they may be arrested, and taken, together with the animals, to the nearest post before the justice of the peace of the commune, who will sentence them to a fine, and later decide whether further proceedings shall be taken.

CHAPTER V

Upkeep and repair of means of communication.

Art 52.

Means of communication are divided into three classes; the first takes in high roads connecting arrondissements

Art. 52

Means of communication are divided into three classes; the firts takes in high roads connecting arrondissements with each other.

The second class takes in public roads connecting communes with each other, or connecting sections with each other.

The third class takes in private roads connecting plantations with each other or with the public roads

(Note : The classification is to simplify expenses of repair.)

Art 53.

High-roads, public roads and private roads are placed under the authorities and officers of rural police.

Art 54.

High-roads and communal roads are kept up and repaired by the inhabitants from each section, in rotation, through which they pass and whenever repairs become necessary.

The up-keep and repair of private roads, farm or parish roads, will be done by the inhabitants habitually using them

Art 55.

As soon as a high-road or private road requires repair work, the rural

Art. 55.

As soon as a high-road or private road requires repair work, the rural police officers will notify the commandant de "place", or commune, without delay.

-mandant de « place », or commune, without delay

Art 56.

If the repair work does not extend from one commune into another, the commandant « de place » or commune will order it done himself, upon his own responsibility, drawing up the plans and overseeing the work.

(Note) The Secretary of Interior will fix a maximum cost, and all expenditures coming under this figure, may be ordered by the commandant of commune)

Art 57.

If on the other hand the repairs are large and extend into more than one commune, commandants of commune will notify the commandant of arrondisement, who after authorization from the Secretary will order the work done and oversee it, after the plans have been determined

Art 58.

[illegible] case the communal counsel In all cas

Art. 58.

In all case the communal counsel of each commune,

of each commune, where public work is bring done on the high-road will be informed of it by the commandant « de place » or commune.

(The communal counsel then has the chance to advise or suggest plans)

ART 59.

The number of workmen necessary for repair work will be taken from each rural property, in proportion to its inhabitants Any farmer selected for this work, and not appearing at the place designated will be obliged to pay a fine of ten gourdes, for this act alone ; in default of this payment, he will be imprisoned for eight days, by order of the commandant of the commune, and required to work on the roads during these days at forced labor.

ART 60.

Money may be substituted for a day's work at the rate of four gourdes per

Art. 60.

Money may be substituted for a day's work at the rate of your gourdes per day. The product of these sums will be used to replace the workmen.

ART 61

The number of wagons or carts judged necessary for repair work on high-roads and private roads, will be furnished, on the first requisition, by the proprietors of rural estates who have them, at the rate of one day a week per wagon, until the work is finished

ART 62.

Instead of furnishing a wagon or cart, four beasts of burden may be furnished, or thirty gourdes may be paid, as a substitute.

ART 63

The wagons, carts or beasts of burden so used, can not be kept on the work for more than one day per week.

ART 64.

In no case and under no pretext can the workmen, wagons, carts or beasts of burden, be turned aside from

Art. 64.

In no case and under no pretext can the workmen, wagons, carts or beasts of burden, be turned aside from the work and be employed in a private value.

ART 65.

The workmen selected for the work will appear at the designated place for the work, on a Monday, at six o'clock in the morning, and will remain there until six o'clock in the afternoon on the following thursday, if the work is not finished in the interval. Each morning, starting with Monday, the overseer of the work will call the roll of the workmen and will ascertain the absentees, who will be punished as prescribed in article 59 above.

(Note further punishment is authorized in the Penal Code.)

CHAPTER VI.

Rural Police.

SECTION I.

General dispositions.

ART 66.

rural police The object of the rural pol is-to
rotect property safe-guard persons, protec

Art. 66.

The object of the rural police is-to safe-guard persons, protect property, oversee cultivation, maintain order and keep the peace,-

and keep the peace, repress vagabondage and to enforce the laws and decrees of the government.

ART 67

The policing of rural districts is placed under the « inspection » of Commandants of Arrondisement and under the immediate « surveillance » of Commandants of Commune; Chiefs of Section and Chiefs of District have under their orders, country guards and detachments of the army.

Justices of the Peace may also use the rural police, in cases covered by the present law

Communal and Agricultural Counsels may also use them, within certain limits here-in-after set down for the protection of farming and maintainance of good order in the country.

SECTION 2.

Inspection and surveillance of Commandants of Arrondisement.

ART 68.

Art. 68.
Commandants of arrondissement, inspect-
and have the general surveillance of-etc.

inspect and have the general surveillance of all rural properties in their arrondisements.

They exercise in the name of the President of Haiti all authority necessary for the security of persons, protection of property and works, development and progress of agriculture, up-keep and repair of high-roads and public roads, dams and canals, maintainance of public order and peace. and the repression of vagabondage.

Commandants of Commune Chiefs of Section and District, and all officers of the Rural Police, are under their orders : they are responsible for the negligence of the latter if they have not attempted to restrain such negligence

ART 69.

The Commandant of Arrondisement should make at least two general i

Art, 69.

Th Commandant of arrondisement should mak at least two general inspections a yea, semi-anually, of all rural sections of hich his arrondisement is composed.

Inthe fifteen days following each inspec pecion be will make a detailed report to thePresident of Haiti and the Secretary of ie Interior and Agriculture.

report to the President of Haiti and the Secretary of the Interior and Agriculture.

ART 70.

This semi-anual report will contain, in particular :

1st — The number of inhabitants in each section who are cultivators and the number who are not.

2nd. -- The nature, progress or-waste of these cultivations.

3rd — The causes of waste and the means of remedy.

4th - The condition of high-roads and public roads

5th The condition of water courses. dams and irrigation canals.

6th. - Remarks on the progress of works, moral conditions, comfort and needs of the population, and the execution of the laws.

SECTION 3.

SPECIAL SURVEILLANCE OF COMMANDANTS OF COMMUNE.

ART 71.

[illegible] Commandants of Commune exercise. Commandants

Art. 71.

Commandants of Commune exercise, under the "inspection".

under the « inspection » of Commandants of Arrondisement a special « surveillance » over all rural sections in their Communes

Within the confines of the commune, this special « surveillance » embraces the same duties contained in the regulations gorverning the « inspection » of Commandants of Arrondisements, within the confines of their arrondisements

ART 72.

Consequently the Commandant of Commune is responsible in his commune for :

1st — The security of persons.
2nd. — The protection of property and agriculture, order and zeal in trade, and the discipline in the work-shops.
3rd. — The condition of high-roads, public roads water courses, dams, and irrigatton canals.
4th. — The [illegible]

Art. 72.

4th.- The execution of the laws.
They should keep themselves constantly posted on the moral, sanitary conditions, as well as on the legitimate needs of the people.

conditions, as well as on the legitimate needs of the people.

ART 73.

The Commandant of Commune is required to make a circuit through all the rural sections of his commune, at least, three times a year.

ART 74

The Commandant of Commune, during each circuit will visit the gardens of produce and provisions, the different kinds of cultivation, and the new plantations ; he will inquire into all the details covered by the present law and will satisfy himself that the officers under his orders are satisfactory in all the duties to which he may have assigned them He will restrain negligences and irregularities, he will listen to complaints and accusations ; he will settle the first, if verified, and will prepare a detailed report for each section

Art. 74.

he will settle the first, if verified, and will prepare a detailed report for each section sending it immediately, to the Commandant of Arrondisement.

Section 4.

Rural Sections & Rural Districts.

Art 75.

By a special order of the President of Haiti Communes will be divided into Rural Sections and Agricultural Districts.

Art 76

Each Section and each district will have a seperate name or number, and the order of the extent or their limits will be designated.

Art 77

Provisionally and until the new divisions can be established, communes will remain divided into rural sections, as they now actually are, and the present sections will retain their designated names, their extent and their present limits.

Section 5.

Officers of Rural Police and Country Guards.

I.— Chief of Section.

Art 78.

police will An officer of the rural

Art. 78.
An officer of the rural police will be placed in each rural section,

be placed in each rural section, who, under the title of Chief of Section, will be charged with the surveillance of the section, inspection of cultivation and works, and, the police,

ART 79.

Chiefs of Section will be appointed by the President of Haiti, upon the recommendation and responsibility of the Commandant of Arrondisement; they will be furnished with a temporary or permanent commission, of the grade of officer, from sub-lieutenant up to captain.

ART. 80.

Chiefs or Officers of Rural Sections will be independant from one another, and will make their reports to the Commandant of Commune, or to other delegates or superior authorities, under whose orders they are placed, only; they also correspond with the civil and judicial authorities and carry out their

Art. 80.

and judicial authorities and carry out their wishes for the execution of the laws, each of them will be required to live, as much as possible,

much as possible, in the centre of the section under their charge They will take oath, to the Commandan of the Arrondisement, to faithfully fulfill their duties, before ehtering into office

ART. 81

These duties in each section, consis especially in :

1st. - Maintaining good o.der and peace.

2nd --Carrying out the laws in general, and in particular, the laws and decrees relating to agriculture and police in the country.

3rd. – Protecting property and surveillance of cultivation and all manual labor.

4th. – Watching over high-roads, public and parish roads, water courses dams and canals of distri bution and irrigation

5th. Repressing vagabondage, disorders and all kinds of infractions against police regulations.

ART. 82.

responsible for Chiefs of Section are resp

all carelessness and infractions in the performance of tueir offices and their duties; they are equally responsible for all negligences and infractions on the part of the agents placed under their orders, if they have not been reported or stopped.

ART. 83.

Each Chief of Section has under him the District Chief and the Country Guards of the section. In addition he has the right to order for the maintainance of order and the execution of the laws and orther acts of the government, the armed force provided for this purpose; and at the same time, if necessity arrises, to require assistence from all citizens, national guard or other-wise.

ART 84.

Any citizen whatever, who refuses to obey the demands of a rural police officer, as covered in the preceeding article, will be liable to a fine.

ART. 85

Art. 85.

The Chief of Section is required to to make a circuit of his section, at least once a month visiting etc.

make a circuit of his section, at least once a month visiting each plantation in it, and, if he deems it timely, with the assistance of one or all of his Country Guards.

ART. 86.

Upon arriving at a plantation, during their circuits, Chiefs of Section will notify the proprietor, or, in his absence his representative, to informe him of his presence and of his intention to make an inspection of the plantation ; they will inspect the plantation, together, to see if all is in good order, if all the workmen are at work, and, if the agricultural and police regulations are carried out ; they will receive accusations and complaints, and will try to find a way towards reconciliation, if possible. In cases requiring an official report, the parties concerned will be sent to the proper authority.

ART. 87.

misdemeanors In cases of crimes, mi[illegible]s, [illegible]judgements accordi[illegible]aw,

Art. 87.

In cases of crimes, misdemeanors, judgments, according to the law,

Chiefs of Section will exercise the privileges conferred on them by the Code of Criminal Examination. (Law No. 2, Chap. I, II and V)

ART 88.

Chiefs of Section will make a detailed report, monthly, on the moral situation and the material of their sections, forwarding one certified copy to the Commandant of Commune and another certified copy to the Communal Counsel This report should contain, in particular, every thing that happens out of the ordinary in each section during the month, the observations on the development or underdevelopment in agriculture, the causes for back-sliding and the means toward remedy. It should also contain the number of inhabitants, changes of residence, deaths, and births in each month

ART. 89

Independent of the monthly report, prescribed by the preceeding article, the Chief of Section will be required

to present himself in person to the Commandant of Commune, every Sunday morning, and make an oral report of the events in the section during the past week ; in case of hindrance, he will send one of the Country Guards under his orders.

2. — Chiefs of District

Art. 90

An officer of the rural police with the title of Chief of District, will be placed in each agricultural district, he will be charged with special surveillance of the inspection of cultivation, of work and police within the limits of his district.

Art 91.

Chiefs of District are of military rank, under temporary or permanent commissions from the President of Haiti, as provided for Chiefs of Section in a perceeding article.

Art. 92.

They are independent of each other

and do not make reports except to their respective Chiefs of Section.

ART. 93.

They exercise, in their districts, the function assigned to Chiefs of Sections and are sudject to the same duties.

ART 94.

Each week they visit the plantations of their districts, and on Saturday morning, each week, render an oral account of their tour to the Chief of Section.

3. — COUNTRY GUARDS.

ART. 95.

Each Chief of Section will have under his orders, at least four country guards, in a permanent guard house ; one of whom will be quartermaster, and at the same time secretary to the Chief of Section.

ART. 96.

Country Guards are the auxilliary

officers to Chiefs of Section and Chiefs of District ; co-operating under their authority and orders, in the execution of every thing concerning the rural police ; they are especially charged with patrolling the country within the confines of their respective sections, to discover infractions of the law, maintain good order, and to arrest vagrants, vagabonds and beggars

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Note : Extracts from the Code of Criminal Examination. : —

Art. 8. Court police investigate crimes offenses and infractions, gather proofs and bring the offender to the proper courts.

Art. 9. Court police will be guided by existing orders public administration, examining judged, justices of the peace, and officers of the rural and urban police.

Art. 10. Rural and urban police officers are charged with the investigation of crimes, offenses and infractions which have caused injury to persons or property.

They will report to the justices of the peace of the commune the nature, times

and places of crimes, offenses and infractions together with such proofs and circumstances they have been able to gather.

They will follow up stolen articles to the places where they have been taken and keep them in custody, separate.

They will arrest and bring before the justice of the peace any person surprised while actually commiting a crime or denounced by public hue and cry.

Art. 11. Justices of the peace or their substitutes, will investigate crimes, offenses or infractions, throughout the extent of their commune ; they will receive reports, accusations and complaints relative to them

They will record the nature and circumstances of infractions, offenses and crimes in the official reports they submit ; times and places where they have been commited ; proofs and specifications of the charge against these accused.

Art. 19. All constituted authorities, each functionary or public officer, who in the execution of his office, gains knowledge of a crime or an offense will immediately notify the prosecuting attourney of the

jurisdiction where the crime or offense has been commited. or the prisoner can be found, and forward to this officer all information, official reports, and circumstances relative to it.

Art. 20. Any person witnessing an attempt. either against the public safety or the life or property of another person, will, in a like manner, notify the prosecuting attorney, where the accused may be found.

Art. 31. An offense which is actually commited or which is about to be commited is known as « flagrante delicto ».

Crimes commited in « flagrante delicto » are : cases where the accused in followed by public hue and cry ; where the accused is found with stolen goods, arms. documents or papers showing that he is the perpetrator or accomplice, provided it be within a reasonable time of the perpetration of the crime

Art. 38. Justices of the peace and officers of the rural and urban police. will receive accusations of crimes and offensee commited in the districts where they exercise their customary duties.

Art. 39 In the case of crimes commited in « flagrante delicto », or on the demand of the proprietor of a house or plantation, justices of the peace will prepare their official reports, receive testimony of witnesses, make trips and take the necessary steps coming under the jurisdiction of a prosecuting attourney ; in every case they will adhere to the forms and regulation contained in the chapter on « Prosecuting attorneys ».

In like cases, officers of the rural and urban police will make their reports to the justice of the peace, who will prepare the official report:

Art. 40 – In case of question between the prosecuting attourney, justice of the peace and police officers in the proceedure laid down in the proeeeding articles, the prosecuting attourney will perform the duties prescribed for the court police ; if that has been anticipated, he may continue the proceedure, or, direct the officer, who has already started it. to continue it.

Art. 41 – The prosecuting attourned, while performing his duties as laid down in articles 22 and 36, may, if he judges it

advantageous and necessary, order and agent of the auxilliary police to perform duties outside of his department.

Art. 42.— Officers and agents of auxilliary police will immediutely submit all denunciations. official reports, and other acts performed by them in their department, tha prosecutiug attourney, who will immediately examine the proceedings and forward them, with such summons he considers necessary, to the examining judge.

Art. 43.— In cases of denunciations of crimes or offenses, other than those they are expected to prove, officers of the court police will immediately transmit to the prosecuting atrourney, their denuuciations, and, the prosecuting attourney will send these to the examiuing judge, pressing the charge against the prisoner.

Art. 88.— Each gardien of publiè welfare, as well as each private citizen, will seize, chase and take any person surprised by public hue and cry, in the act of, or in cases similar to being caught in the act of commiting a crime, or, while actually

commiting a crime, before the justice of the peace, the prosecuting attourney or the examining judge, without the necessity of having an order to do so.

4 — General dispositions

Chiefs of Section and District ; Country Guards.

Art 97.

Uniform and equipment of Chiefs of Section, Chiefs of District and Country Guards, as well as their anual salary, are determined by a decree of the President of Haiti.

Art 98.

Chiefs of Section and Chiefs of District enjoy the immunities attached to their ranks, but only by assimilation and during their tenure of office, if furnished with temporary commissions only.

Art 99.

Neither they, nor the country guards, receive pay or rations, but an anual

salary is paid them at the end of each month, by twelfths.

ART 100.

Never-the-less, officers of the rural police and country guards are under military discipline and the laws and regulations governing the army.

ART 101.

Any officer of the rural police, who, without a legitimate excuse, fails to make the circuits and visits prescribed by the present law, or, who fails to fulfill the functions and duties which have been placed or imposed on him, will be liable to a fine for the first offense ; but; for a second offense, he may be suspended from office. In the first case, the fine will be awarded and determined upon by the Commandant of Commune, as a disciplinary punishment; in the case of a second offense the punishment will be inflicted, on the accusation of the Commandant of Commune, by the Commandant of Arrondisement, who will be

required to make a report of it to the Secretary of Interior.

Art 102.

Country Guards are liable to the same punishments as are the soldiers, of troops of the line.

5.— Agricultural Counsels

Art. 103.

In each commune there will be an Agricultural Counsel consisting of citizens chosen from among the best known proprietors or farmers, one citizen from each rural section. This selection will be made each year, on the. Ist of May by the Commandant of Commune. Justice of the Peace, and the Communal Counsel conjointly, aud majority of votes. Having entered upon their duties, these citizens will take oath, before the justice of the peace, to properly fulfill the duties of their offices.

Art 104.

Members of the agricultural Counsel

can only exercise their perogatives during the year for which elected, but they may be re-elected each year.

ART 105.

The duties of Agricultural Counsels are:

To see that that fulfillment of the laws and regulations relating to agriculture and rural policing. are faithfully carried out; 2nd, To make reports to the Communal Counsel, the Commandant of Commune, the Commandant of Arrondisement, and the Secretary of Interior and Agriculture, and with those only, of new experiments in cultivation, the amelioration and encouragement to be realized from all causes of depression, the abuses, negligences and disodediences of the Rural Code, which take place in their sections.

ART 106.

Members of Agricultural Counsels make their reports, address their observations or express their desires, either individually or collectively, to

the Communal Counsel or the Commandant of Commune, who in turn, transmits them to the Commandant of Arrondisement, who will see that they arrive in the hands of the Secretary of Interior and Agriculture.

Art 107.

The duties of a member of the Agricultural Counsels are honorary and excuse him, except in case of iminent danger, from service in the National Guard.

Members of Agricultural Counsel will wear attached to the left lapel of the coat, by a ribbon in the national colors, a silver medal on one side of which will be engraved with a portrait of the President of Haiti, with the words « GEFFRARD PRESIDENT; » and on the other side, a horn of plenty with the words " CONSEIL D'AGRICULTURE. "

This medal will be presented by the Communal Counsel.

(Note : in public ceremonies Agricultural Counsels march before Communal Counsels.)

CHAPTER VII.

Maintainance of order in the country and suppression of vagabondage.

Art 108.

Any cultivator undertaking a piece of work, under a mutual agreement, may terminate it, after it has begun, by making himself liable to a fine, and if any, to damages. (Article 123, from twenty gourdes to three hundred.)

Art 109.

Every disobedience or insult against a proprietor, farmer, manager, overseer of work, or the partnership, will be considered a disturbance of public order, and punishable with a fine and even imprisonment, according to the gravity of the case.

Art 110.

Festival days excepted, the working days are : Monday, Tuesday, Wednesday, Thursday and Friday, of each week. The working hours are : from

six o'clock to eleven o'clock in the morning, and from two o'clock to six o'clock in the ofternoon.

ART 111.

No workman employed on the job, or by the day, may leave his work and give himself up to feasting, on working days. No dance or feast may be prolonged, in the night beyond midnight; every offender against these present dispositions will be punished with imprisonment.

ART. 112.

No cultivator, establisheb on a rural property, may absent himself from the district for more than twenty fours, hours, without a permit from the Chief of District.

ART 113

Except on market days, any individual found in a rural section, and cannot explain where he lives or whether he is employed by one of the proprietors of the section, or that he is the bearer of a permit or a paper

proving his identity, will be considered a vagabond , he will be arrested by the rural police officers or country guards of the locality, and immediately brought before the justice of the peace of the commune.

ART. 114.

The justice of the peace, after having interrogated and heard the accused, will pronounce justice; if the arrest is substantiated, the accused will be taken and placed in one of the prisons of the arrondisement, to be later judged according to law.

ART 115.

Any person convicted of being a vagabond, and having served his sentence, will, never-the-less, remain under the surveillance of the police, long enough to satisfy the authorities as to his means of existance.

ART 116.

Those sentenced as vagabonds and are placed under the surveillance of

the police, after the expiration of their sentence, may be employed on the work of the commune, for a salary, until they can take care of themselves.

ART 117.

A proceedure similar to the above, with the same punishment attached, will be instigated against any person found in a rural section, having the reputation of a beggar.

ART 118.

Throughout the exent of the localities under their direction, rural police officers should be on the look-out to see that no one lives in idleness; in this respect they are authorized to make idle individuals render an account of their occupations and the means of their livelihood, if these individuals cannot give a good account of themselves, they will be considered vagrants, and arrested as vagabonds.

ART. 119.

When a person arrested as a vaga-

bond, beggar or vagrant, happens to be a child under fifteen y ars of age, the justice of the peace will return him to his father, mother or nearest relative ; if above fifteen years he will proceed against him as though he was an adult.

Art 120.

No burial will take place in the country without an authorization upon unstamped paper, from the rural police officer, who will not give the authorization except upon the presentation of a certificate from the registrar of births marriages and deaths, showing that the declaration of death was made in conformity with the Civil Code.

Any infraction of the present order will be punished in conformity with article 304 of the Penal Code.

If the infraction is commited by a rural police officer, he will be liable to a fine of fifty gourdes

Art 121.

In the future no burial will take

place, except in the cemetaries designated for this purpose by the authorities.

Never-the-less, the Communal Counsel may allow, in important cases, a burial to take place on a private property, in conformity with the rules which will be prescribed for these private cases.

CHAPTER VIII.

Punishment and judgements.

ART. 122.

Infractions of any of the dispositions of the present law will be punished with a fine.

The confiscation of certain attached objects and imprisonment, will be in addition, decided against the delinquents, but only in cases covered by the said law or the Penal Code.

ART. 123

Fines may be awarded from twenty to three hundred gourdes, according to the gravity of the case, the calculation

of which will be made by the justice of the peace, in addition to damages, restitutions, indemnities and punishments, if necessary.

Art. 124.

Fines and the sum total of all pecuniary sentences will be deposited in the chess of the officer representing the administration of each commune - these officers will be required to follow up the collections and keep an d accurate account of them. Notice of each sentence should be given to the officer representing the administration, will turn over to the administrator of finances of the arrondisement, a detailed statement of the fines awarded, with a notation of those collected and outstanding

Art 125.

Half of each fine will belong to the state, and the other half to the rural police officer preferring the charges against the accused.

Art 126.

Every sentence involving a fine

carries with it the full right of imprisonment for debt, until payment is made, in conformity with article 386 Penal Code, under the modification contained in said article.

Art 127.

All sentences resulting from infractions of the dispositions and prescriptions of the present law, other than disciplinary sentences, will be pronounced by the justices of the peace, within the ordinary limits of their jurisdictions.

Disciplinary sentences will be pronounced by the rural police officers in accordance with old, sacred custom.

CHAPTRE XI?

Agricultural festivals, rewards & prizes of encouragement.

Art 128.

On the 1st of May of the Agricultural Festival, rewards and prizes of encouragement, paid for by the State,

will be distributed to the farmers and cultivators who have distinguished themselves during the course of the year by their works and products.

The program of the festival, its nature, the value of these prizes and rewards, the conditions of obtaining them and the method of their distribution will be determined by a decree from the administration

Transitory dispositions

Art. 129

Until the division of territory has been made into new sections add agricultural districts, in conformity with article 77, there will be placed in each section actually existing, one or more sub-chiefs, who, under the authority and orders of the chief of section, will co-operate with him in the surveillance of the section

The sub-chiefs of section will be appointed by the President of Haiti, and will fulfill, temporarily, the functions and duties of section, gratuitously.

General dispositions.

Art 130.

The present law will be printed and published and put into effect throughout the extent of the Republic, beginning with the 1st of January 1865.

Art 131.

The present law repeals all dispositions of former laws to the contrary

Art 132.

Each Secretary concerned is charged with the execution of the present law.

Translated by Captain R. S. HOOKER, U. S. Marine Corps.

LAW OF OCTOBER 27, 1864.

FIRST CHAPTER

Modification of the Code of Criminal Examination,

CHAPTER I

Modifications of the Penal Code

Art 2.

Articles 403 and 404 of the Penal

Code actually in force, are and will remain repealed and replaced by the following paragraphs :

Section V, of Chapter III, entitled : « Crimes and offenses against the public peace » will, in future, be composed of three paragraphs,

The first paragraph will have for its title : 2. «Malefactors.» and will consist in articles 224, 225, 226 and 227, without modification.

The second paragraph, which takes the place of articles 227, will have for its title : « 2 Vagabondage » This paragraph will be composed of the following articles : —

« Art 228. Vagabondage is an offense.

« Art 229. Vagabonds or vagrants, are those who have no definate home. no means of livelihood, and no permenent trade or profession

« Art 230. Vagabonds or vagrants, who have heen legally declared as such

will be punished with inprisonment of from one to six months, by an ordinary police court ; and in case of a second offense, from six months to two years, by the Court of Correction ; after having served the sentence awarded by the State, they will be employed on State, s work.

« Art 231. Vagabonds may, even after receiving sentence for their offenses, be claimed by a resolution of the communal counsel of the commune where they were born, or by bail given by a solvent citizen.

If the government accepts the claim or agrees to receive the bail, it will order, the individual thus claimed, or bailed, send or conducted into the commune which he claimed him, or in which his bondsman resides.

« Art 232. Foreigners declared vagabonds by the court, may be expelled from the territory of the Republic, by orders from the government.

The third paragraph, which will follow article 232, will have for its title;

3 « Mendicity. » and will be composed of the following articles : –

« Art 233 Any healthy person found bigging will be punished with imprisonment from six days to six months, and sent, after the expiration of his punishment to « the residence » which will be designated for him by the State.

« Art 234. Beggars, even invalids, who use threats or enter houses without the permission of the proprietors or persons in the houses, whether a dwelling house or a dependent enclusure ; who feign complaints or in firmitties ; who beg in company, unless they are husdand and wife, father or mother and young children blind man and his guide ; will be punished with imprisonment from three months to a year.

And the fourth paragraph following article 234, will have for its title: – «4 Communal dispositions for beggars and vagabonds. » and will be composed of the following articles:

«Art 235. Any beggar or vagabond caught in a disguise of any kind.

Or bearing arms even though he has not used them nor menaced any one with them.

Or having files, hooks or other tools with which thefts or other offenses may by commited, which may be used as a means for entering houses, will be punished with imprisonment from one to three years.

« Art 236 Any beggar or vagabond commiting an act of violence against a person, will be punished with imprisonment, commeasurate with the nature and circumstances of the violence, and without prejudice to the heaviest punishments. (Note : translation of « reclusion » is given as « imprisonment for 5 years at least with loss of civil rights. »

«Art 237 The punishments designated by the present code against bearers of false certificates, false pass-ports or false traveling permits, will always

on account of their species, be given the maximum, when they happen to to be vagabonds or beggars.

« Art 239. Vagabonds or beggars in good health, who have served the sentences prescribed in the preceeding articles, will remain in « the residence » designated to them, and be under the surveillance of the police long enough to show their intent of earning a livelihood, or, until they produce the proper bail.

« Art. 239. Sick beggars will remain until the end of their punishments, from one to three years, under the surveillance of the police.

Art 3.

Art 246. of the said Penal Code, now in force, is and will remain modified in these terms ; —

« Art 246. Imprisonment is ordered for anyone, or accomplices, making an attempt on the life of a person, with a snbstance which may cause death, more or less quickly, and the

manner in which these substances have been used or employed.

If in consequence of this state of lethargy, the person is buried, the attempt will be considered assination.

Art 4.

Articles 405, 406 and 407, of the said Penal Code are and will remain modified, as follows : —

Art 405. All persons practicing « ouangas », « caprelatas », « vaudoux », « donpedre », « macandals », and other sorceries, will be punished with imprisonment of from three to six months, and a fine of from sixty to one hundred and fifty gourdes, adjudged by an ordinary police court ; in case of a second ofense, imprisonment of from six months to two years and a fine of from three hundred to one thousand gourdes, adjudged by the Court of Correction, without prejudice to the most severe sentences they may have incurred, through offenses or crimes commited by them in preparing or accomplishing their sorceries.

All danse and other practices of any kind likely to foster in the people, a spirit of fetichism and superstition, will be considered sorceries and will receive the same punishments.

« Art 406. People who have as a trade fortune telling, divining, foretelling explaining dreams, or telling fortunes with cards, will be punished by imprisonment of not less than two months or more than six months, and a fine of from one hundred to five hundred gourdes

In addition, after the expiration of their sentences. they will be placed under the surveillance of the police, on account of their conviction, if for no other reason.

« Art 407. Instruments, sutensils and costumes, serving or destined to serve at the rites covered in the two preceeding articles, will be seized and confiscated for burning or destruction.

(Oct. 29, 1864).

THE LAW OF JUNE 10. 1865.

Relative to strayed animals

Art. 1

In villages and towns, vagrant animals will be conducted, by their captors, before the justice of the peace, within twenty four hours of the capture. In rural sections the delivery will be made to the commandant of the section, as prescriçed in article 27 of the Rural Code

Art. 2.

Justice of the peace will enter in a book kept for this purpose immediately;— 1st. - The detailed discription of the captured animal, giving its species. color of its hair, brand and most noticeable marks. 2nd. — Date and place where captured. 3rd Date brought before the justice of the peace. 4th - Date sent to fhe pound. 5th — Name and residence of the captor.

Af ther this is verified,the justice of the peace will give the captor. a certificate containing this information. and will order him to take the animal to the town pound.

ART 3.

The keeper of the pound on receiving the animal, will enter in a register kept for this purpose, the contents of the certificate. which will be shown him by the captor.

ART 4.

In each prison, there willbe a pound assigned to hold strayed animals These animals remain in the charge and custody of the warden, who will be responsible for them and should be able to produce them, under penalty of the law, any time they are called for, by the justice of the peace or, the prosecuting attorney.

ART. 5.

Strayed animals, captured and put in the pounds, will be left there for fifteen days, counting the day of entry;

during these fifteen days they may be claimed by anyone, identifying himself as the owner.

ART. 6.

The claim will be submitted with proofs to support it; in communes having civil tribunals, to the senior member of the tribunal; in other Communes, to the justice of the peace. Ownership will be supported by titles, brands, inquiries or any other legal means.

The senior member of a tribunal, or, a justice of the peace, will pronounce the law.

If the return of the animal is ordered, it will not be returned until after the entire payment of expenses and claims have been paid, and settled as set forth in the order restoring the animal, in accordance with the table of expenses, here-in-after shown.

ART 7.

This payment should be made in the office of the clerk of the civil tribunal,

or in the office of the clerk of the justice of the peace, and the delivery of the animal will be made by the warden, on presentation of the release signed by the clerk of the court.

ART 8.

Wardens will enter. in the register prescribed in Art. 3, above, the date of departure of the animal name of the owner, total of claims paid, date of the order of release, and the name of the magistrate ordering it.

ART 9.

During the fifteen days, designated in article 5, clerks of the court of civil tribunals and justices of the peace, will post notices on the doors, of the tribunals. of the communal counsels and town halls; these nottices will contain descriptions of the animals in the pound, dates incarcerated and dates of auction.

Clerks of the court will at the same time, insert these notices in the "MONITEUR HAITIEN," once, at least,

eight days before the date set for the auction sale.

ART 10.

If. after the expiration of this delay of fifteen days, no one makes any claim, the public auction ofthe strayed animals, unclaimed, will take place, as follows :

At the bench of civil tribunals, a judge of the tribunal will be detailed, by the senior judge, every mounth, for this purpose ; he will be assisted by the clerck of the court and a balif; the sale will take place in the presence of the prosecuting attourney.

In the other communes the sale will be made by justice of the peace, or his substitute, assisted by the clerk of the court, in the presence of the town notary-public, if there is one, who will represent the prosecuting attourney or his notary

These sales will be made at public auction to the highest bidder, for cash; the clerk of the court will make out

an official report of the sale which will be signed by the judge, the prosecuting attourney, or the notary

Art 11.

In the five first days of each month, in communes having a civil tribunal, clerks of the court will make an accounting, of the funds accruing from court and other expenses, and the product of the sales, collected during the preceeding month, to the principal administrators, who, after verifying them, and deducting the claims and expenses for the captor, the pound, and the clerk of the court, will order the remainder deposited in the public treasury.

Art 12.

In the same delay at the beginning of each month, in communes without civil tribunals, the clerk of the court to the justice of the peace, will submit an accounting in the same manner, to the officer of the administration of the commune, who after verifying it and deducting the claims mentioned

above will receive, from the said clerks of the court, the sum due the public treasury; the officer of the administration will place this sum in the public chess as prescribed by the laws of finance.

Art 13.

During the year following the court auction. the owner of the animal, sold, will have the right to claim his animal, no matter in whose hands the animal may be by a payment, paying however the price brought at aucti n and tne expenses of the court for the auction and barring further action against the person who bough the animal at auction.

If the animal be a female with offspring, the young, branded or not, and sold seperately from the mother, may be claimed in the same manner, provided that ownership can be proved, according to law.

Art 14.

After the expiration of one year, the old owner of the animal can no longer

claim it ; he may only claim the price it brought at auction.

In any case the public treasury will not be required to return the court and other expenses, listed in the table of expenses, here-in-after set forth.

ART. 15.

Wardens are responsible for animals placed under their guardianship, as well as caring for them while in the pound, under the penalty of losing the claims and expenses allowed them, in addition to damages against them, if such exist; they are required to furnish sufficient food and to keep the animals in good shape.

Expenses of feeding and care-taking will be advanced by the wardens, reimbursement being made by the owner on claiming the animals, or from the amount received when the animal is sold at auction.

If the animal dies in the pound, the claims and expenses due the warden, and those advanced by him, will be re-

imbursed him by the State, on a certificate from the justice of the peace, showing that the death did not result through the fault of the warden.

The justice of the peace will not draw up this certificate without previously establishing the cause of the death, with the assistence of a veterinary or two experts; this will be put in the form of a official report.

ART. 16.

The claims and expenses of capture, of the pound and of clerk of the court, collected for strayed animals, will be collected for each animal in conformity with the table of expenses here-inafter set torth.

ART. 17.

In the first fifteen days of each quarter, clerks of the court of civil tribunals, and justices of the peace, will render a general and detailed report of the strayed animals, sold or claimed during the preceeding quarter. This report will be made to the Secretary

of Finances and will include: 1st-Number of animals claimed; number of animals sold; animals on hand in the pound at the end of the quarter; number sent to commandants of commune; a discription of each animal 2nd-Dates of arrival and departure. 3rd The sum total from sales. 4th-The sum total deposited in the hands of the officer of the administration or in the public treasury.

ART 18.

In no case can animals known to be the property of the State, the gendarmerie or the cavalry of the army, be impounded or sold.

An official notice in the "*Moniteur Haitien.*" renewed each year, will publish the brands adopted for animals belonging to the State, gendarmerie and cavalry.

These animals, when captured, will be sent by justices of the peace, to the commandants of commune, who, in turn, will forward them to their destination.

ART 19.

The present law revokes all former laws which are in violation of it.

ART. 20.

The Secretary of Interior and Agriculture, the Secretary of Finances and Commerce and the Secretary of War, are ordered, where it concerns them, to see that the present law is carried out.

TABLE OF EXPENSES.

Ist. Expenses of capture.

Tax of capture, to any captor. . . . . G.	4
Tax of capture and delivery to the rural officer.	10

2nd. Taxes and pound expenses to warden.

Tax of arrival, to the warden.	2
Tax of registry and depot.	2
Tax of departure.	2
Tax of maintainence, per day.	1
Expenses for food, cattle, horses, mu-	

Les etc (each)	2
Expenses for food, pigs, goats, sheep etc. (each).	1

3rd. Expenses of clerks of the court.

To clerks of all tribunals:

1. For the receipt and discription of each animal.	2
2. For registration of commitment. . .	2
3. For each notice announcing registration and date of sale . . .	0 50
4. For the notice inserted in the official journal.	1
5. For announcing the sale by beating a drum	1
6. For the town crier (bailli)	1
7. For the official report, copy understood	2
8. Stamp for the copies.	2
9. Registry dues, proportionate to the estimated price Transportation and investigation in case of the death of an animal in the pound.	
For the judge.	6
For the clerk of the court	4
For each expert witness	3
For all other records not covered while executing thie law.	2

Published at the capital, Port-au-Prince, Mai 31, 1865, and in the 62nd year of independence.

Translated by Captain R. S. HOOKER,
U. S. Marine Corps.

Law on Surveying.

1st September 1845.

Art. 1st In each Town of the Republic, there will be two to four public surveyors, according to the importance and the extent of the localities.

Art. 2.—In the future no warrant will be granted as public surveyor unless the applicant is at least twenty one years old, his character must be good, he must pass an examination before three surveyors chosen by the Minister of Public Instruction.

Art 3. A Government surveyor cannot hold any other office in the government.

Art. 4.— These Surveyor take the oath before the Justice of the Peace in the town where he is to work

Art. 5 — The Surveyors can work beyond the boundaries, when they are requested in that case their expenses shall be paid

Art 6. Each surveyors can have a pupil, who like him is exempt from military service.

Art 7 · The surveyors are forbidden to leave their work to pupils they must be present.

Art. — It is forbidden to surveyors to work for their parents, allies, in direct succession to the last degree, and in the second line as far as the cousin germain inclusively.

Art. 9, – Surveyors under penalty of being suspended for not more than three months, cannot refuse to comply to the requisitions of private individuals, unless they can prove that they have much work on hand or other proper excuses

Art 10. -- The surveyors can exact of the applicants to deposit at the Justice of the Peace the fees accorded him in the tariff, chap 7th of this present law, but in no case can they exact full pay before having finished their work and remitting to the individual the plan and (proces-verbal) papers pertaining to the land.

Art. 11 — No surveyor can destroy or modify during his work the work of another surveyor, only in case of revision.

Art. 12. — Surveyors are bound during their work to bring to the notice of the Administrator of finance or his assistant all lands they find belonging to the State, and to the Curator all vacent successions or people living on them.

Art 13. — Surveyors when requested shall communicate to the Civil and Military Authorities the minutes of his plans and written proceedings sometimes even to give certified copies.

CHAPTER II.

Surveyors instruments

Art. 14. — The compass, the Chain, the « toise » are the most indispensable instruments of the surveyor.

Art. 15. — The Compass may be attached to a graphometer, the chain is

seventeen feet and a half long, or five geometrical steps, it is used to measure land in the country by « carreaux » (a square of three hundred ordinary steps), in the plains a double chain can be used

The toise (6' 39459) is divided in foot, inches etc. each end must be covered by some metal, it employed for measuring land in the towns and vilages.

Art. 16 — Each year the Justice of the Peace of town will control the « toise » of each surveyor also in the presence of three surveyors their compasses shall be looked over. The « Proces-verbal » must be signed by the three surveyors and the Justice of the Peace

Art 17. — Surveyors are accorded 1/16 of an inch for errors, and one pace in a hundred, more than that they have to make a revisiou.

CHAPTER III —

Surveying

Art. 18. — Before surveying, the

surveyor should always be in pessession of all plans and papers pertaining to the land

Art 19 — If the titles are not correct or missing, the surveyor shall not proceed to work.

Art 20. When the titles are found valid but parts missing the surveyor will fix the day when the surveying will start, then the applicant will announce to his neighours by the means of the usher of the Court of Justice that on such a day they must present themselves with their plans and papers to assist in the surveying, such measures must be taken according to the Civil Procedings.

The surveyor within the same delay has to give notice to the Officer in charge of the police of his town, This Officer can assist or be represented In case he does not come, the surveyor will mention it in his act and proceed with his work.

Art 21 At the date named if the neighbours invited or their representives do not appear the surveyor can commence his work.

Art 22 — In case the parties present do not bring all their titles, plans, etc, or should they refuse to show them, or should the surveyor find the titles, etc, correct, he will make a note of it in his « proces-verbal »

Art 23. — It is the surveyors duty to cut a path through the boundary lines when it is wooded so as to be able to survey properly, also to place boundary marks at each angle.

These boundary marks are to be of hard wood, or mason work and shall be at least two feet above the ground

Art 24 — On no account can surveyors take up or displace a boundary mark, neither can he replace those which have been destroyed by nature or wilfully destroyed, unless the interested parties are present or by order of the Court.

Art 25 — If during the surveying a dispute should arise, the party opposing shall bring the fact to the notice of the Police Officer or his representative who shall stop the surveying, the surveyor shall abide by his decision

The opposing party must without delay bring suit before the Justice of the Peace under penalty of paying damage and costs,

In any case the party loosing the case will have to pay transport and all other costs occasioned by the opposition.

When the surveyors are stopped in their operations, they will place temporary boundary marks And will make a « proces-verbal ».

CHAPTER IV

Revisions.

Art. 26.— All revisions must be made by three selected surveyors one by the person objecting to the former surveying, another by the surveyor whose plans are contested, the third by the two newly appointed men, or by the Justice of the Peace in whose town the contested land is situated.

Art 27.— In case a person present at the surveying or any other persons want to revise the surveying, the costs of the suit will fall on them. if they loo-

se the case, if the contrary happens the costs falls on the faulty surveyor.

Art 28.— If an absent party or one who would not show his papers or one whose papers were found void or parts missing asks to revise the surveying, all costs will be paid by him wether he looses or not.

Art 29, If the surveyor of any party believes that his interests were played with in the revision, he can ask for a counter-revision.

Art 30 — A counter-revision cannot take place unless it is an order issued from the Court of that Jurisdiction after a verdict was rendered, and the work done by five surveyors named by the Court.

Art 31.— In case of a revision and a counter-revision the party who asked for it shall deposit in advance at the Justice of the Peace the total of the cost that it will incur.

Art 32.— A " proces verbal " of the revision or of the counter-revision shall be made at the end of the primitive document and new plans made based on the old one.

The papers and plans cannot be delivered to the owner without this additional " proces-verbal " or the new plan, under penalty of being fined *fifty gourdes* by the justice of the Peace.

CHAPTER V.

Of plans and of " proces verbaux " relating to surveying and the hand book of surveyors.

A) Art 32a.—The plan must be dated and signed by the surveyor. The different sides of the land surveyed shall be shown by lines the boundary marks by letters and the neighbouring properties by the names of the proprietors.

If the lines are near public roads or crossed by them or near the sea the surveyor must show it in the plan.

If on account of certain obstructions he is prevented from surveying parts of the property, he shall show these on the plan by dotted lines

Art. 34.— The north shall be shown by a lance surmounted by a liberty cap

of the national colours and water courses by an arrow.

Art. 35. — The « proces verbal » shall bear the same date as the plan also the names and surnames of the surveyor and those of the party requesting the survey, those of the perons present and the name of those absent.

The titles of the person requesting the survey shall be mentioned also the name of the property surveyed if it is known, the Commune and the Arrondisement in which it is situated and most particularly the rural section, the town, the village or street where it is situated.

All remarkable places or points shall be clearly shown in the plan, also boundary marks placed or those found during the operation and generally all that can be of use in the plan.

The surface of the land shall be marked with the same letters as in the plan on the boundary marks.

Finally the " proces verbal " shall be signed by the surveyor also by all

the parties present, should any refuse a note shall be made, and the cause stated.

Art. 36.— The copies of the plans and the " proces verbal" shall be certified and signed by the surveyor, they cannot be delivered to any other person than the proprietor unless by order of the Justice of the Peace, under penalty of paying a fine of *fifty gourdes* besides the costs and interest of the suing party.

Art. 37.--- The minutes of the copies of the " proces verbal " shall be made on stamped paper, the minutes shall be subject to the register tax according to the law.

The surveyors shall write with their own hand the total of their fees.

Art. 38.— Each surveyor shall keep an account by order of date and number of all his " proces verbal " and surveying This note-book before being used, shall be signed on the first and last page by the Justice of the Peace, and shall be signed also by

him every month and by the cashier of the register office.

Art. 39. In the event of the death, resignation, or revocation of a surveyor, his plans, " proces-verbaux " and note-book shall be given to another surveyor of the town of his choice, or that of his widow if he has no widow by his first born if of age, if he has left children under age and if the choice is not made within three months at the latest, the afore said plans. " proces verbaux ' and note book shall be legally given to the succeeding surveyor.

CHAPTER VI.

Of infractions

Art 40.— All surveying made contrary to articles 7, 8, 11, 20, & 24. as written above, shall be annulled, in each case the surveyor shall pay the costs, besides the costs of suits if any there are.

The surveyor for the first offence shall be comdemned by the Justice of

the Peace from there to six months at the most the second time he shall be revoked.

CHAPTER VII.

Surveyors taxes.

Art 41.— Is modified by the following law.

Art. 42.— The present law shall be executed by the Minister of Justice and Public Instruction.

11.— Law of the 8th August 1 887

Art. Ist The taxes of the surveyors henceforth are as the following :

1. For surveying a property in town or village ..... G. 4.00
2.— « « « in the country not exceeding five « carreaux », for each carreau in the mountain. 5.00
in flat country each 4.00
3.— For survey.ng acountry property exceeding five « carreaux or» whatever may be the area, in the mountains 25.00
In flat country 20 00
Plus for each carreaux after the five .....
This must be added to the costs of the plan and « proces-verbal ». 1 00

4.— To rectify a boundary, for each hundred steps or under — ?

5.— For revising and counter-revising, to each surveyor working 8 hours 3.00

6.— For transportation for going only per league 1.00

They get nothing for their return trip.

Art. 2.— The stamped paper and cost of registering is not comprised in the tariff. A note shall be made of the money received by these taxes at the bottom of the act.

Art 3. – The present law abrogates. etc.

INDEX

RURAL CODE OF HAITI

PAGE

General dispositions 3
General rules relative to the administration of rural estates and establishments 6
Limits of landmarks, enclosures and establishments 6
On cultivation in general 10
Leasing rural estates, and contracts between the proprietors and independent farmers, farmers giving the landlord a portion of the produce in place of money rent. farmer hands or laborers 12
Guarding and captute of animals and damages committed on rural estates 14
Establishment and administration of grazing ranges 18
Taking animals from one Commune into another 24
RURAL POLICE. — General dispositions 30
Inspection and surveillance of Commandants of Arrondisemen 31
Special surveillance of Commandants of Commune 33

Rural Section & Rural Districts 36
Officers of Rural Police and Country Guards 36

(CHIEF OF SECTION)

Chiefs of District 42
Country Guards 43
NOTE Extracts from the Code of CRIMINAL Examination 44
Chiefs of Section and District; Country Guards 49
AGRICULTURAL COUNSELS 51
Maintainance of order in the country and suppression of vagabondage 54
Punishment and judgements 59
Agricultural festivals, rewards & prizes of encouragement 61
Transitory dispositions 62
MODIFICATIONS of Code of Criminal Examination
« « Penal Code 65
Law of June 10, 1865 Relative to strayed animals 71
Table of expenses (Expenses of capture.— Taxes and pound expenses to warden) 81
Expenses of clerks of the court 82
Law on Surveying 83

CONSEILS COMMUNAUX

TITLE I

Of commune

CHAPTER 1.

General Disposition.

Art. 1. - The Communes are divided in to two classes.

Art 2.— The first class is composed of Communes which are selfi-administering, the second is composed of those administered under the control of superior authority

Art. 3. The first class is composed of the towns of Port-au-Prince, Cap-Haitien, Cayes, Gonaïves, Jacmel, Jeremie, Saint-Marc.

Art. 4.— The other towns and Communes may in the future, according to their importance and development, be included in the first category.

This admission will be declared by an « Arrete» of the President of the Republic.

CHAPTER II.

Particular dispositions

Art. 5.— There is a Communal council in each commune of the Republic. The communal council looks after the interests of the Commune.

Art 6. Each council is composed of a Magistrat, one or more assistants and the members of the Council.

Art 7.— The number of assistants for Port au Prince is three, two for the following communes: Cap Haitien, Cayes, Gonaïves Jacmel. Jeremie and one for the others.

Art 8. - The number of the members of the communal council is as follows: Fifteen for the commune of Port au Prince, ten for the communes of Cap Haitien, Cayes, Gonaives, Jacmel, Jeremie; Seven for the communes of Saint Marc, Port de Paix, Leogane, Petit Goave, Anse-à-Veau, Petite Riviere de l'Artibonite, Aquin and five for each of the other communes.

Art. 9. The Communal Council is

elected by the primary Assembly of each Commune.

Art 10 --- They are elected for three years and can be re-elected indefinitly.

Art 11 --- The Assemblies are convoked according to the law and in conformity with the Constitution.

Art 12· – The Magistrat and the assistants are named by the President of Haiti, and are chosen from the members of the Council and serve the same term as the members.

Art 13 --- A member of the Communal Council must be twenty-five years old, the owner of real property, and reside in the Commune.

Art 14 --- The followiug may not be members of the Communal Council.

Ist- The bookkeepers of the Communal Funds.

2nd- The paid agents of the Commune.

3rd-Contractors dowing wor kfor the Commune.

4th - Soldiers or sailors in active military service.

5th--- Citizens not knowing to read or write.

6th--- School teachers or other persons attached to the schools.

7th--- Priests, ministers, judges and court officials

Art 15 --- In case of the absence, disability, death. resignation, or suspension of the Magistrat Communal, The first assistant replaces him, then the second assistant then the third In case there are no assistants, the numbers of the Council in order of seniority.

Art 16.— In case of absence, disability death, or resignation ot the Magistrat Communal and his assistants, they are provisionally replaced by the members of the Council, according to the order in which they were elected.

Art 17 — If at the time of the elections, there should be only two thirds

of the members of the Council remaining, the assembly shall elect the missing members.

Art 18.— The functions of the assistants and the members of the Council are gratuitous and honorary, excepting when they perform the duty of a Magistrat.

Art 19.— The Magistrats are paid out of funds of the Commune

CHAPTER III.

Of the interior service. First Class Communes.

Art 20.--- The Communal Council pays all rent. Communes not having a convenient place for their office, shall be given land out of the public domains for the erection of and office at their own cost.

Art 21 --- The Council will meet at least every fifteen days in ordinary meetings to discuss matters coming within their province.

Art 22.--- The Magistrat can convoke the council in extraordinary meetings when the needs of the Commune require it

Art 23.--- The Magistrat presides, at meetings of the Council

Art 24.— Any member absent three times consecultivaly and who cannot give good reason for his absence and who has been notified of the meeting shall be considered as having resigned.

Art 25.--- The Council cannot meet unless 2/3 of the members are present.

Art 26.--- The Conseil Communaux are placed under the supervision of the Minister of the Interior and of Agriculture.

Art 27.—All discussions or acts of a council which exceed its power are null and void

Art 28.— It shall be the same of any meeting.

Art 28.--- All decisions made which are beyond the competency of the council are void ; all meetings held at

a place other than the designated meeting place are illegal.

Art 29.— The nulity of these decisions shall be declared in an « arrete » of the President of Haiti made on the report of the Minister of the Interior.

Art 30 — All decisions of the Council. such as « arrete » or decrees, before being put into execution, shall be sent to the Minister of the Interior for approval.

Art 31.— In cases provided by the law, the President of Haiti, on the report of the Minister of Interior, can pronounce by an « arrete » the suspension or the dissolution of a Communal Council.

In the arrete the duration of the suspension should be stated, or the date of the renewal of the Council.

The re-election must take place within three months of the dissolution.

Art 32.— In case of suspension or dissolution for malversation or other acts, the service ot the Commune shall

be confided to a Commission until there be a re election or the former members re-installed.

Appendix to article 32. Moniteur 23rd August 1913

In case the Council should not have a quorum, caused by service members resigning, the remaining members shall continue to attend to the interests ot the Commune until the following election, providing there are 3 members remaining In case there should be less than three, the President of the Republic will add the necessary number.

As is provided in the above appendix, also as is shown in art 32, the President of the Republic will choose the president of the Commission who will hold the office of the Magistrat Communal.

Art 33.— Each Communal Council will name a secretary, who shall be paid by the Commune.

Art 34.— The secretary shall have a sufficent number of employees for the service of the administration of the Council.

The employees shall be distributed according to the needs of the service and paid by the Council.

Art. 35. A cashier shall be named by the Council, one offering all the guarantee required of holders of Public funds. He is allowed 2/1 o/° of the ordinary receipts of the commune

The Magistrat shall choose two employees to be assistants to the cashier.

Art 36. – The communal cashier is personally responsable that all debts are collected, also he must pay all the expenses approved by the Magistrat, in within the sum alloted.
The roll of taxes and half taxes shall be deposited with this cashier.

Art 37.— All receipts which the laws and regulations do not provide the means of collecting, shall be collected according to the methods established by the Communes.

Art 38.— Any other person than the cashier, who without legal authorization shall meddle with the public funds of the Commune will be held responsible as a cashier

The same person can be charged, according the dispositions of the art. 217 of the Penal Code, for having interferred without authority with a public function

Art 39, — The accounts of the communal cashier shall be audited and signed every month by the Magistrat Communal, and at the end of each three months by the Communal council

Art. 40.— All workmen, employees of the office and other services of the commune, shall be named by the council.

Art 41.— The council names the commissaires and men of the communal police, who are to form this police. For this organization to become effective it must be approved by the Government.

When the central government thinks

it desireable, the police without ceasing to do duty the commune shall be incorporated in the police administrative receiving pay from the national funds.

Art. 42. The duty of the police is regulated by the commune

Art 43. - The national guard is organized by the conseil communal according to the laws on the subject.

Art 44.— The Commual Council only can suspend or revoke its employees

Art 45. - The meetings of the Communal Council are public but on the request of three members, it can be made private for special discussion.

Art 46 — The liberations of the Communal Council must be approved by the majority. In case of a tie, the president has two votes on the request of three members present, the deliberations can be balloted.

Art 47.— The proces-verbaux of the meetings are inscribed, in order of dates in the register reserved for that purpose this register shall be si-

gned by all the members of the Council; if they do not sign, a note shall be made stating the reason.

Art 48.— The dispositions of the law on stamps. and those on registering which exempt the acts of the public administration of the taxes of stamps and registering are applicable to the administrative acts of the Magistrat and of the Communal Councils.

Art 49. The proces-verbaux and the accounts of the Communal Council are published every three months.

CHAPTER IV.

The duties of the Councils and of the Magistrat

Art 50 — It is the duty of the Communal Council.

Ist, To draw up the list for the primary assembly and that of jurors

2nd, To take a census of the population.

3rd, To approve rolls, patents, house taxes and all other public taxes drawn up by the cashier.

4th, To make a list of young men available for military service, at the time prescribed by the law.

5th, To protect religion.

6th, To examine as provided by the law, the budget of the vestry board

7th, To make the vicars observe the law on the tarifs of the church.

8th, To publish every three months the receipts and expenses of the administration of the churches.

9th, To create and control the primary public schools.

10th, To create and maintain poor houses

11th, To recognize good actions, inventions, ameliorations and experiments worthy of recompense, whether scientific or literary or in the agricultural or industrial arts and inform the Government.

12th, To repair and maintain lights of the streets, dams, bridges ferry boats, canals, fountains, doors, gates and ditches

13th, To maintain slaughter houses, public washing places, drinking pools and gutters.

14th, To build stalls, houses butcher's shops for the display of country produce, or merchandise in the markets or on the public streets

15th, To establish the use of standard weights and measures, also to verify the weights and measures of the public.

16th, To fix the tax on bread and meat and other articles of the like which are taxable.

17th, To administer and control the cemetary and the burial of the dead, according to the laws and regulations.

18th, To build and maintain quays, squares, promenades, and public gardens.

19th, To build a pound for stray animals.

20th, To insure the service of pumps in case of fire and to create a company of firemen.

21st, To acquire, sell exchange communal properties or leases, to grant concessions for a period not exceeding nine years.

22nd, To maintain the salubrity of the town and the security of the population.

23rd, To construct offices for the police.

24th, To found theaters, under reserve of the rights of the State.

25th, Each month a report will be sent to the Minister of Justice and of Interior, containing all the acts of the police as stated in a register kept by the Magistrat Communal.

To this dispatch will be added the list of all objects found by the police These articles shall be deposited with the Justice of the Peace or at the office of the Commissaire du Gouvernement.

Art 51. The Council regulates the following in its discussions

1st, All receipts or expenses, either ordinary or extraordinary.

2nd, The budget of the Commune, which shall be submitted to the Minister of Interior, to reclaim an equilibrum in case of a deficit.

3rd, To undertake the projects of construction, large repairs and demolitions in general.

4th, The mode of administration of the funds of the Commune, and their use to different ends.

5th, To allign the houses properly on the streets and the create a tax by an arrete which shall be collected by the Commune.

Art 52.— The accounts of the Administration of the Magistrat Communal are either examined by the Council or by a commission named for that purpose by the Executive power.

Art 53.— All the decisions indicated

above should by the diligence of the Magistrat be communicated to the Minister of Interior, within fifteen days of the discuscusion for his approval, otherwise they cannot be executed

Art 54. - The Communal Council can express its ideas on all matters of local interest, whether it concerns them or not but in no case can they discuss political affairs or things foreign to the administration, or of general interest,nor may it publish protestations, proclamations or addresses.

CHAPTER V.

The duties of the Magistrat Communal.

Art· 55.— The Magistrat is charged :

Ist With the publishing and the execution of the laws and acts concerning the Commune.

These laws and acts shall be inscribed in a register kept for that purpose.

2nd Of any other function. that the law may attribute to him.

Art 56 – The Magistrat is otherwise specially in charge of :

Ist The urban police and of the streets in conformity with the laws and the execution of the decisions of the Communal Council

2nd The administration and the control of the revenues and of the establishments of the Commune

3rd The preparation of the budget of the Commune and the order of expenses.

4th The direction of works ordered by the Council.

5th The conclusion of the market leases and auction of the works and other objects in accordance with the arretes of the Council and in the forms that they will establish.

6th The drawing up the acts of sale,

exchange, sharing, the accepting of gifts or legacies acquisitions, transactions, when these acts have been authorised by the council and approved by superior administration

7th The execution of all acts of the Council and to represent the Commune in the Court houses either as defendant or plaintif, after having received the authorization of the Council

Art. 57.—The administrative or police decisions made by the Magistrat shall be published as arretes and a copy sent to the Minister of Interior.

Art. 58. – The Magistrat Communal is by right a member of the vestry-board of the Commune. He reports to the Commissaire of the Government, the vicar who at the moment of his installation did not take the oath according to the law, and to look after the situation of the presbytery and its dependances (art, 41, & 42 of

the law of 22 sept. 1863 on vestry-boards).

Art 59 - The Magistrat alone is charged with the administration of the Commune, but he can assign a part of his work to his assistants

Art. 60 —He can request, through the Commandant de Commune, that officers of the rural police shall assist him, providing the case requires it The Commandant of the Commune must assist him immediately.

Art 61. - When the Magistrat Communal holds a public auction on account of the Commune, he shall be assisted by two members assigned in advance by the Council, or taken by order of seniority. The Cashier shall assist at all auctions. All cautions are provisional until approved by the Council.

TITLE II

CHAPTER VI

The receipts and expenses of the Commune are:

Art. 62. The receipts of the Commune are either ordinary or extraordinary.

Art. 63. The ordinary receipts are as follows.

1st The revenues of the Communal properties,

2nd The produce of the lease of the slaughter house,

3rd- The produce of the taxes on stall, markets, weights and measures slaughter house, and the pound, according to the authorised tarifs,

4th The produce of the Communal toll-houses, the stamping of weights and measures, the tax on the streets and others legally established.

5th The produce of concessions of ground in the closed cemetries

6th The fees for the administrative acts of the commune, in conformity with the tarif adopted by the Council.

7th The, produce of the fines pronounced by the tribunaux de Paix and a part of the fines produced by the correctionel courts, according to the number of communes in the juridiction

8th The produce of patents and house taxes

9th The produce of 15 °/₀ of the revenues of the public lands situated in the Commune.

10th The produce of the taxes on alcohol.

11th The net produce of the conces sions of water and the taxes on the fountains supplying fereign ships.

2th Of the net produce of the sale of strayed animals captured in the Commune

13th And generally the produce of all taxes of the town of which the collecting is authorised by the law

Art.64 — The extraordinary receipts are as follows,

Ist Gifts and legacies

2nd Volontary subscriptions.

3rd The reimbursement of money lent out.

4th The produce of authorised Communal loans.

5th Of all unexpected receipts.

Art.65 The expenses of the Commune are either obligatory or optional.

Art 66.— The obligatory expenses are as follows:

Ist The maintenance of the Communal Office, the furniture and the material of the Commune.

2nd The salaries of the secretary, employees and clerks.

3rd The expenses ot the Office and printing,

4th The salary of the commissaires and Communal police, the cost of the outfit of the police, if there are any means according to art. 42.

5th The expenses of the census.

6th The expenses of the primary schools of the Commune

7th The supplement charged to the Commune by art. 79 of the law on the vestry-board of the 22 Sept 1863, in case the revenues of the vestry board are insufficient, by the revenues found in art. 37 of the same law.

8th The indemnity to pay to the vicar, when he has no presbytery or house to live, in conformity with the same art. 79.

9th The expenses of repairing the buildings used by the catholic church, in conformity with article 79.

10th To pay the balance of the expenses charged by the vestry boards, when the revenues of the board are insufficient as is provided

and regulated by articles 47, 80, 81, 82. 83, 84, 85, 86 & 87, of the law of the 22nd September 1863.

11th The repair of the buildings of the Commune.

12th The cost of repairing streets, quays, public roads, squares, markets, canals, fountains and streams

13th The expenses of the poor house established by the Commune, consisting of provision and materials. the subventions given according to the ressources of the Council, to other establishments of this kind in all parts of the Commune.

14th The expenses of the Council of Agriculture, excepting those provided for in the Code Rural.

15th The settlement of pressing debts.

16th Poor relief, cost of pauper burial.

17th Cost of the meeting of the primary and electoral assemblies

18th And generally all expenses charged to the Commune by laws.

All other expenses not mentioned shall be optional

Art 67 - Therepair of the roads is the duty of the Government; but the Communal Councils can bring to the notice of the Minister of Interior. the repairs necessary in their Communes.

Art 68 — The budget of each Commune is made up by the Magistrat and voted annually by the Council and sudmitted to superior authority on the fifteenth of September of each year.

Art 69.— The sums which may be found necessary either after the vote or the approval of the budget, or during the fiscal year, are also discussed and voted by the Communal Council and submitted to superior authority

Art 70.— In case the expenses should exceed the extraordinary recieipts of the Commune, the superior authority shall be advised in time, he will study the ways and means proposed to settle and these expenses loans.

Art 71.— The Council can vote a credit in the budget, for unforeseen expenses. The sum proposed cannot be reduced or rejected, unless the ordinary receipts are in sufficient to clear all expenses

The credit for unforeseen expenses cannot be used, without the approval of the Council.

Art 72 - If the ressource of the Commune are insufficient to cover the obligatory expenses, the Communal Council will refer the case to the Minister of the Interior, who to raise the funds shall put the case before the Legisture, so that the treasury may give the money.

Art 73 - No extraordinary contribution or any loans can be effected without the authorisation of the Legislature.

Art 74. - The rates of Communal taxes and those on the streets, other than those provided for in the special laws, are regulated by the

Council and approved by the legislature before going into effect.

Art 75.— All works, whether constructions or repairs, exceeding 200 gourdes shall be given the lowest bidder, presenting to the best plans and estimates.

CHAPTER VIII

OF THE BOOKKEEPING OF THE COMMUNE

Art 76 — The Magistrat Communal alone delivers checks for payment.

If he refuses to give the order of payment of expenses duly authorised, the Council will make an arrete, which shall be as good as the check of the Magistrat.

Art 77 — The cashier of the Commune under the authority of the Magistrat is in charge of the Communal receipts expenses and of the bookkeeping.

Art 78. - A standard bookkeeping system shall followed by a regulation of the control government, and each Council shall conform to it

Art 79. – The budgets and the accounts of the Commune are deposited at the Commune and are open to any person contributing to the taxes imposed on them. The budgets and the accounts of the Commune are rendered public either by the Journals, or by bills pasted on the walls of the office.

TITLE III

Particular Dispositions.

CHAPTER IX.

Of the Commune.

Art 80. – The territory of the Commune comprises the town, the suburbs and those parts of the country designated by the law

Art 81. There are three kinds of properties:

1st. Those of private individuals,
2nd The public domains administrated by the State.
3rd. Those of the Commune.

Art 82. — The properties declared Communal properties are those which are administrated until now by the Commune, such as: quays, the sea shore and other places, the use of which are indispensable for the establish- of the Commune according to the present law.

Art 83 A more marked distinction will be made between the public domain and those of the commune.

CHAPTER 10

Of Communes not administering themselves.

Art 84 — The second class Communes is exclusively under superior authority.

Art 85 At the same time they shall apply all the general dispositions pertaining to Ist class Communes, except that the previous approval of all their acts by superior administration is necessary.

Art 86.— The receipts shall be deposited in the public treasury, either by the Administrator of finance or by the «preposé d'administration», and their budget of expenses shall be paid regularly each month by the superior Administration who in no case can refuse to pay.

CHAPTER XI.

Of the uniform of the members

Art 87.— The uniform of the members is the dress suit.
The Magistrat shall wear besides a sash of the national colors.

Art 88 — Every time the Magistrat

and his assistants and members of the Council appear in public officially, they are to be in uniform so as to distinguish them.

CHAPTER XII

Transitory dispositions.

Art 89 — The present law abrogates all dispositions of laws, decrees, anterior arretes which are contrary to it, and shall be executed by the Ministers of Interior and Agriculture.

SECOND PART.

CHAPTER I.

Licenses.

Art. 1. All persons doing any kind of business subject to communal licence to require one should send a written application to the Communal Council, which will deliver to them a certificate and keep the application,

Art. 2 — This application and certificate which will de delivered, will mention the full name of the person requesting the license and will specify the business which the person proposes to undertake.

Art. 3.— Any Haitien running a business of any sort, under the name of a firm, is compelled when making his application,to exibit

the deed of partnership, in regular form to the Communal Council.

Art 4,— Any business of consignments, composed of Ha tiens and foreigners and of which one or mo- haytians possess the half interest at least and the firm bearing the name of one or more haytians, shall be subject to the to a licence fee as for a haitien

The deed of partnership shall be produced at all legal requisitions of the officials of the Commune, without prejudice to the prescriptions of the Commercial Code.

Foreigners in partnership with haytians must be personally provided with a license from the President of Haiti, in conformity with the above article

Art 5.— The Communal Council, after assuring itselves of the sincerity of the application shall file those to begranted according to the tarif established. The list of

the licenses shall be drawn up in conformity with the system of the Communal bookkeeping, and shall be forwarded to the Justice of the Peace of the Commune who shall paste it on the doors of the Court house.

Art 6 --A foreigner may not engage in business, unless he is provided with a license from the President of Haiti.

This license is good for one year in the town for which it was give.

Art 7.— All importers are those who are provided with the license required of by this class of merchants.

Art 8 — A foreigners will not be allowed to do business unless he is an importer and then to do business only in the open ports.

Art 9 -- Foreigners allowed to engage in any other industry than commerce shall pay double the tax paid by a haytian in the same business.

Art 10. – Any foreigner who according to the terms of the articles above, should obtain a commune license to engage in business and who should during the year go against the laws of the country and disturb the peace of the State shall looss the rights of his all commun licence and cannot obtain another one unless he first obtain a new licencence from the President of Haiti.

However, in the case of a partnership, when the act of contravention does not apply to the partnership, the recall of the licence shall affect only the foreign partner who shall have committed the contravention

Art 11.— Foreigners employed as clerks or under any other title, with merchants, commercial men, manufacturers or workmen, either haytians of foreigners, shall be subject to the taxes specified in the tarif.

The persons employing them are responsible for the payment of their licences.

Art 12 – No payment is due besides the cost of the stamped paper for the remittance of the certificate of declaration made at the office of the Communal Council, for the remittance of the license nor for its registration. All contraventions against this prohibition shall be considered an extortion and be punished by the penal law.

Art 13 – The haytian peddler can only sell in the streets and public places He must show his licenses to any authority, and to all policemen, making requests.

He can only open his merchandise on the public squares

Art 14.— No haytian or foreign importer shall sell merchandise of any sort for less than 100 piastres (gourdes)

Art 15 In wholesale stores selling

dry goods or salt provisions, etc they cannot sell less than a roll of cloth, by the dozen, by lots, by gross, by thousands, by ream, by roll, by barrel, by case, by demi-john, by basket. or by half-drum.

Art 16.— The wholesale seller, of hardware can sell in a y quanties

Art 7 — The taxes of the license shall be paid at the office of the Commune to the cashier

Art 18 — The license must be taken out each year, from the first of October to the fifteenth of November. at the latest All persons subject to license, and who have not taken them after five days of the delay fixed, shall be de ounced to the cashier of the Commune and shall be co - demned by the Justice of the Peace, to a fine of fifty cents per day for the delay, plus 10 o/o more on the amount of the license fee that the person should pay

The fine thus fixed, the amount of the license fee and costs if not paid within 48 hours after the sentence, will result in the prompt seizure of the mercha n-dise country produce, furniture or other belongings of the person in arrears by the Juge de Paix.

The objects seized shall be sold immediatly at auction sale until the sum required is collected. The dispositions contained in the present paragraph do not interfere with the 36th article of the Penal Code concerning arrest for same

Art 19. — Any person desiring during the year. to start a any business or industry whatsoever, shall provide himself with a license which shall show the time remaining to the end of the year, and the sum to pay in proportion. If the time commenced is in the second quarter of the year he shall pay for nine months, if in the last he shall pay three months

Art 20.— The licenses are delivered by the Cashier of the Commune. They are given gratuitously, but on stamped paper according to the law On each license numbered and delivered shall be written the dispositions of art 18 of the present law

Art 21 — The license obtained from the Communal Council shall be immediatly presented to the Justice of the Peace to be registered, and he shall sign them and make a note of it on the margin of the application in the case of licence for ships and sailing vessels in the coast trade, a note shall be made of the name of the ship, owner the name of the vessel and its tonnage

Art 23.— Any ship sailing under the national flag, must be built in the country, or be recognised as haytian property by the authentic deeds of the sale, and by the taking of the oath demanded of the ship owner, by the Justice of the Peace, to assure himsself

before delivering the license, that the ship belongs to the applicant and that no foreigner has the part in the ownership.

If the ship is in another port than the one in which the owner resides, he can be represented by the captain to take the oath or send a special representative.

To obtain the license, a signed certificate of the Chief of the Port must be produced, giving the designations, dimensions, and tonnage of the ship. This certificate shall be given under the personal responsability of the Chief of the Port, and be registered without cost at the Custom house of the town.

Art 24.—Any foreigners violating the dispositions of article 8 of the present law shall be punished by a fine from 100 gourdes to 400 gourdes, besides the confiscation of the merchandise which has broght about the contravention.

Art 25. In the case of the loss of a lecence, a declation will be sent to the Justice of the Peace to obtain a duplicati. The Juge de Paix, after examining the register will deliver a new copy, shall make a postscript in the margin of the register, and make also a note in the copy stating whether is the 2nd or 3dr, etc.

Art 26.— Persons engaged in business subject to a higher licence than the one taken, shall pay a fine double the amount of the licence they should have taken.

Art 27.— Persons engaged in business of which they are forbidden, shall be fined from 100 gourdes to 400 gourdes, and double for the second offence

Art 28.—Persons convicted of having covered with his commercial licence the industrv or profession of others, shall be subject to the fine in the preceeding article.

Art 29 -- Any importer or wholesale merchant, who shall have been

convicted of having sold quantities of merchandise for a lesser sum than that which is fixed in art, 14 preceeding, shall. be condemned to a fine from 100 gourdes to 400 gourdes. In the second case, the fine shall be doubled and the object of the contravention seized and sold for the profit of the Commune.

Art 30. — The haytian or foreign importer, who shall violate the dispositions of the present law three times, shall loose his licence.

Art 31.— The list of the names of importers and wholesale merchants shall be posted not only on the walls of the tribunal de paix and the office of the Communal Council, but also on the doors of the Court of Commerce, and in the office of the Chief ot those ports open to foreign commerce.

Art 32. – Unless the number of the licence for the current year is mentioned in an act, no request can be made, nor can any ac-

tion be taken against any person, nor their request accepted by constituted authority or by the courts.

In case of the ommission of the above formality, the presentation of the licence before the Courts or other authorities will equal the formality.

Art 33. – All persons subject to licenses at first request must produce their license to all authorities and police charged with the execution of the present law

Art 34 — The Judge de Paix and the Commissaire du Gouvernement under penality of being dismised, if prompt action is not taken against any violator of the present law that may have been discovered or brought to their notice.

Art 35. – Half of the fines collected by the juge de paix or the correctional court, for violation of the present law, will be given to the

informer and the other half to the Commune.

Art 36. The following do not pay any licence fee :

Ist The agriculturist or cultivator, engaged in the tilling of the ground.

Cartmen, but if they do work for any other plantation than the one on which they are employed, they are subject to license

2nd It shall be the same for animals. Generally all who do the work of transportation shall not pay a license, unless they work for persons other than for the proprietor of the plantation owning the carts and the animals that they drive.

3rd Blacksmiths, masons, carpenters wheel-wrights, and all other tradesmen who fix their residence in the country on a cultivated plantation are exempt from a license fee but if they work for any other plantation,

they must provide themselves with a license.

4th Sugar factories. or refineries, but if the manufactury is not part of a plantation, it must provide itself with a license

5th Public functionnaries and other employees of the public, concerning their functions or their employment.

6th Notaries, « officers d'etat civil, » lawyers, surveyors concerning their functions.

7th Teachers, professors of science and arts, concerning their professions.

8th Domestics, and persons working for others for a salary whilst not owning a shop of any sort.

9th Workmen living on a cultivated plantation, providing that they do not work for any other plantation.

10th Haytian ships visiting foreign ports.

11th Boats and barks of persons *li-*

ving near the sea shore; but in no case can the boats or barks without license do any cost trade nor fish for other place than for the property to which they belong.

Aat 37. The 3/4 of the produce of the licenses established on stables, cabs, «Shows, circusses, etc » Shall be specially devoted by the Communal Council to the maintenance of hospitals.

CHAPTER II

Ist. – Of house taxes.

Art 38.— (Modified)

Ist Any persons residing in houses or huts within one quarter of a mile of the limits of towns or villages is subject to a house tax of 3 °/° of the total of the annual rent.

2nd On the requisition of the Magistrat Communal and on the strength of a sentence of the Court, the Director, of Bureau

d'Enregistrement will inscribe a mortgage for the taxes due on the property without cost to the Commune.

The cancilation of this mortgage is dependant upon the presentation to the Director of the Bureau d Enregistrement of the receipt issued by the cashier of the Commune showing that the tax has been paid.

3rd No sale of property by Notary or privately, no mortgage or others paper relating to the rights of property can be registered or considered valid unless the number of the house tax of the preceeding year is stated.

Art 39.— The amount of the house tax is based on the estimated value of the houses and huts spoken of in the preceeding article and occording to law.

Art 40 — Shall be taxed. All vacant and fenced lands situated within towns or villages which serve

as stables for animals or depots for materials, or other objects of commerce or speculation.

This tax may be demanded of the individual occupying the ground either he is proprietor, lessee, or tenant.

The tax receipt delivered to the lessees or tenants of a house cannot be contested by the proprietor.

All improved property within a quarter of a mile of a bourg, or city, pays a tax.

II.— Mode of perception of the house taxes.

Art 41.— The collection of taxes on rentals is the duties of the Communal Council.

Art 42.— The Communal Council charged with the collection of the house taxes, will correspond with the Administrator of Finance of the Arrondissement and with all other functionna-

ries which the laws bring it in contact with for the execution of all that is its duties to do

Art 43 Each year the Communal Council will make a list of all the houses and huts within the town and villages, also the ruins and vacant lots situated in the town and villages serving as stables for animals and as lodging for the country people, or for storeing objects of commerce or of speculation.

The list will state the amount of the rent paid or the annual produce of each property.

Art 44.— To determine the house tax or the annual produce of each property subject to this tax, the Communal Council will send a representative to the leases of lands or houses. or if there are not any, he will consult the tenant or lessees to ascertain how much they pay by the month or by the year; in case the information cannot

be had or is insufficient, and also when the owner is living in his owne house, the Communal Council will fix the amount of the tax, or the annual produce of the property by two arbitrators, one chosen by the Council and the other by the interested party.

After a delay of eight days, if the individual does not name his arbitrator, he cannot protest against the decision of the other arbitrator. If they should tie, the two arbitrators shall name a third within twenty-four hours there after, and if they do not agree on one the Juge de Paix will name one, for the occassion on the request of the Communal Council.

Art 45 — As soon as the Communa Council shall have the necessary information, a list shall be made of the names of the persons paying taxes, with discriptions of the property, its annual produce,

mumber of houses The list should be completed on the 15th of September at the latest. It shall be sent by the Cashier of the Commune to the Juge de Paix of the Commune to be posted on the door of the Court House. The house tax will be collected from October first by the Cashier at the Communal office.

Art 46.— Any person not paying his house tax before the 15th of November shall be prosecuted according to art 18th of the law of 1876. The fine shall be of 0 50 cts per day for the delay plus 10°/₀ of the total of the house tax which is due The expense of cancelling the mortage faulty to be paid by the proprietor shall be reduced by half.

INDEX

CONSEILS COMMUNAUX — PAGE

Conseils Communaux 99
Of Commune 101
Particular dispositions 102
Of the Interior service, st class Communes 105
The duties of the Councils and of the Magistrat 112
The duties of the Magistra Communal 117
Receipts and expenses of the Commune 121
Of the bookkeping of Commune 128
Particular Dispositions 129
Of Communes not administering themselves 130
Of the uniform of the members 131
Transitory dispositions 132
Licenses 133
Of house taxes 147
Mode of perception of the house taxes 146

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